

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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TERESA ANSLEY,

Plaintiff,

**NOTICE OF REMOVAL**

Index No. 716804/2020

-against-

STAPLES, INC.,

Defendant.

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**TO THE CLERK OF THE COURT:**

**PLEASE TAKE NOTICE** that Defendant, STAPLES, INC., by and through its undersigned counsel, hereby removes the above-captioned case from the Supreme Court of the State of New York, County of Queens, Index No. 716804/2020, to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§1332 and 1441, and state as follows, under penalty of perjury:

1. A civil action brought in a state court of which the District Courts of the United States have original jurisdiction may be removed by the defendant to the District Court of the United States for the District and Division embracing the place where such action is pending. 28 U.S.C. §1441(a).

2. 28 U.S.C. §1446 requires that a Defendant who wants to remove a civil action to file a Notice of Removal, together with copies of all process, pleadings, and orders served upon it.

### RELEVANT PROCEDURAL HISTORY

3. On September 25, 2020, TERESA ANSLEY, Plaintiff, filed a Summons and Complaint against Defendant in the Supreme Court of the State of New York, County of Queens, bearing Index No. 716804/2020 (hereinafter referred to as the “State Court Action”). See attached Complaint, hereinafter referred to as **Exhibit “A.”**

4. Upon information and belief, on October 5, 2020, Plaintiff served the Summons and Complaint upon New York’s Secretary of State pursuant to New York’s Business Corporations Law. To date, Plaintiff has not filed an Affirmation/Affidavit of Service with the clerk of the Supreme Court, Queens County.

### GROUND FOR REMOVAL

5. Defendant seeks removal of the state court action to the United States District Court pursuant to 28 U.S.C. § 1441(b) on the ground that it is an action over which the Court would have jurisdiction by way of diversity of citizenship.

6. This suit is of a civil nature and is between parties of different states.

7. Plaintiff is a citizen of New York.

8. Defendant Staples, Inc. is a Delaware corporation with its headquarters in Massachusetts.

9. The underlying lawsuit arises from an accident from which Plaintiff alleges she was “severely injured” and will “continue to suffer...great bodily injuries” as a result of the subject incident. See Exhibit “A,” Plaintiff’s Complaint, at ¶ 21.

10. Defendant, in good faith, believes that the amount in controversy exceeds \$75,000, exclusive of interest and costs, based on the Plaintiff's Complaint.

11. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1) as it is filed within 30 days after Defendant was served by Plaintiff with the Summons and Complaint, as Defendant did not receive the Summons and Complaint prior to it being served in the manner as described herein..

12. Removal of this action to the United States District Court is proper under 28 U.S.C. § 1441(a) because the amount in controversy exceeds \$75,000, exclusive of interests and costs, and because there is complete diversity of citizenship between the parties. The United States District Court would, therefore, have original jurisdiction over this matter under 28 U.S.C. Section 1332 had the action been brought in federal court originally.

13. No prior application for this relief has been made.

### CONCLUSION

14. Written Notice of the filing of this Notice of Removal has been given to all parties in accordance with 28 U.S.C. §1446(d), as evidenced in the annexed Certificate of Service.

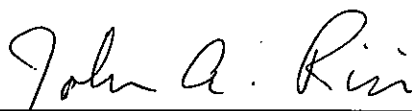
15. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly give written Notice of this Notice of Removal to Plaintiff's counsel of record and has filed a copy of this Notice of Removal with the Clerk of the State Court in which the State Court Action is pending.

16. By filing this Notice of Removal, Defendant does not waive any defenses, including, without limitation, lack of personal jurisdiction, improper venue or forum, failure to

establish damages, all defenses specified in Federal Rules of Civil Procedure 12, or any other defenses.

**WHEREFORE**, Defendant requests that this civil action be removed from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Southern District of New York.

Dated: Elmsford, New York  
October 14, 2020

  
\_\_\_\_\_  
John A. Risi  
PILLINGER MILLER TARALLO, LLP  
Attorneys for Defendant  
Staples, Inc.  
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(914) 703-6300  
PMT File No. D-STPS-00148/JAR

TO:

LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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TERESA ANSLEY,

PLAINTIFF,

-AGAINST-

STAPLES, INC.,

DEFENDANT.

-----X

NOTICE OF REMOVAL**PILLINGER MILLER TARALLO, LLP**

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555 Taxter Road, 5<sup>th</sup> Floor  
Elmsford, New York 10523  
(914) 703-6300  
D-STPS-00148/JAR

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

John A. Risi, Esq., hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the foregoing NOTICE OF REMOVAL is neither frivolous nor frivolously presented.

Dated: Elmsford, New York  
October 14, 2020

  
JOHN A. RISI, ESQ.PLEASE TAKE NOTICE

- ☐ that the within is a true copy of a \_\_\_\_\_ entered in the office of the clerk of the within named Court on \_\_\_\_\_
- ☐ that a \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court at \_\_\_\_\_, on at 9:30 a.m.

**PILLINGER MILLER TARALLO, LLP**

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(914) 703-6300  
PMT File No. D-STPS-00148/JAR

JAR/amy